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10/822,023

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EXAMINER

NGUYEN, DAVID Q

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,023

Applicant(s)

CHURT ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-13 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date all IDSs.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,4-6,8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Liscano et al. (US 2003/0088681 A1).

Regarding claim 1, Liscano et al disclose a method of announcing an individual apparatus to a system containing a central apparatus (see par. 0031), which comprises the steps of: announcing the individual apparatus to the system using exclusively optical communication (see fig. 1, its description; par. 0023 and figs. 2A-2B); and storing information about the individual apparatus in the system in the central apparatus (see pars. 0024-0025 and figs. 2A-2B; storing IP address by the resource 12); and after completing the announcing step, the individual apparatus communicating further information only through radio communications (see par. 0033; the job is sent from the mobile device through the network 16 to the resource 12).

Regarding claim 10, Liscano et al disclose an apparatus for communicating with at least one other apparatus, the apparatus comprising: an optical interface for implementing optical communication with the at least one other apparatus (see fig. 1; IR interface 20 and IR Comm Port 14), the optical communication providing information about the apparatus for announcing a presence of the apparatus being previously unannounced to the at least one other apparatus (see fig. 1, its description; par. 0023 and figs. 2A-2B); and a radio module for transmitting further information to the other apparatus, the optical communication no longer being used after the announcing step is complete and only radio communications occurring thereafter by the apparatus (see par. 0033; the job is sent from the mobile device through the network 16 to the resource 12).

Regarding claim 11, Liscano et al disclose a system, comprising: a first apparatus being a central apparatus having a first optical interface (fig. 1, IR Comm Port) for performing optical communication and a first radio module (see fig. 1 and par. 0023 and figs. 2A-2B; resource 12 having interface communicating with mobile device through network 16); and a second apparatus (fig. 1; mobile device 18) selected from the group consisting of an individual apparatus and an intermediary apparatus (see fig. 3, mobile device 18 and association 22) and having a second optical interface for performing optical communication with said first optical interface (see fig. 1; IR interface 20; par 0023 and figs. 2A-2B), the optical communication only providing information about said second apparatus for announcing a presence of said second apparatus to said first apparatus (see fig. 1, its description; par. 0023 and figs. 2A-2B), said second apparatus having a second radio module for transmitting further information to said first apparatus (see par. 0033; the job is sent from the mobile device through the network 16 to the resource 12).

Regarding claim 2, Liscano et al also discloses wherein the announcing is effected to the central apparatus (see figs. 1,2A and pars. 0024-0029).

Regarding claims 4-6 and 8, Liscano et al further discloses performing the optical communication unidirectionally from the individual apparatus doing the announcing to an apparatus for registering the announcing (see figs. 1,2A and pars. 0024-0029); after the announcing has occurred, outputting an acoustic confirmation signal by at least one of an apparatus registering the announcing and the central apparatus (see figs. 1,2A and pars. 0024-0029); forming the system as a radio network (see figs. 1,2A and pars. 0024-0029); performing the optical communication in an infrared range (see figs. 1,2A and pars. 0024-0029).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7,9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liscano et al. (US 2003/0088681 A1) in view of Kagan (US 2003/0184448 A1).

Regarding claims 7,9 and 12-13, Liscano et al do not disclose the system is a data acquisition and data collection system; said central apparatus is a master data collector; said intermediary apparatus is a data collector; and said individual apparatus is a terminal apparatus and data communication between said apparatuses is effected by way of radio; wherein the system is a consumption data acquisition and collection system reporting information relating to

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at least one electricity consumption, water consumption, gas consumption and heat cost data.

However, Kagan discloses a system is a data acquisition and data collection system (0028-0031); said central apparatus is a master data collector (0028-0031); said intermediary apparatus is a data collector (0028-0031); and said individual apparatus is a terminal apparatus and data communication between said apparatuses is effected by way of radio (0028-0031); wherein the system is a consumption data acquisition and collection system reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (0028-0031 and par. 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Kagan to Liscano et al in order to be able to transmit consuming data wirelessly to the server for billing.

Allowable Subject Matter

4. Claims 14-16 are allowed.

Regarding claims 14-16, the closet prior arts, Liscano et al. (US 2003/0088681 A1), Tracy et al. (US 6,369,719) and Kagan (US 2003/0184448 A1), either singularly or in combination, fail to anticipate or render obvious that a third apparatus being an intermediary apparatus and having a third optical interface for performing optical communication, said third optical interface communicating with said first and second optical interfaces, the optical communication providing information about said second and third apparatuses for announcing a presence of said second and third apparatuses to said first apparatus as specified in the claim.


5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Q Nguyen
Examiner
Art Unit 2617
